

DETAINED

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In the Matter of:

Case No.: **3:25-cv-03060-LL-KSC**

N.A.,

Plaintiff,

**PETITIONER’S MOTION TO
DISMISS PETITION FOR WRIT
OF HABEAS CORPUS AS MOOT**

vs.

Judicial Officer: Hon. Linda Lopez
Courtroom Number: 14B

**CHRISTOPHER J. LAROSE, Senior
Warden, Otay Mesa Detention Center;
PATRICK DIVVER, Field Office
Director, San Diego Office of
Detention and Removal, U.S.
Immigration and Customs
Enforcement; TODD M.
LYONS, Acting Director, U.S.
Immigration and Customs
Enforcement, U.S. Department of
Homeland Security; and KRISTI
NOEM, Secretary, U.S. Department of
Homeland Security,**

Defendants.

1 MOTION TO DISMISS AS MOOT

2 Petitioner, by and through undersigned counsel, moves to dismiss the above-
3 captioned action as moot in light of Petitioner's release from Otay Mesa Detention
4 Center on 11/17/2025, and in support states as follows:
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6 1. Petitioner filed the instant habeas corpus petition on 11/08/2025
7
8 challenging her immigration detention;

9 2. On 11/17/2025, Petitioner was released from custody;

10 3. Because Petitioner is no longer in the custody that she challenges, it is
11 no longer a live case or controversy as required by Article III of the United States
12 Constitution;
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14 4. When a habeas petitioner is released from custody, the petition
15 generally becomes moot unless the petitioner demonstrates concrete, continuing
16 injury. *See Spencer v. Kemna*, 523 U.S. 1, 7-14 (1998);
17

18 5. Petitioner has obtained the only relief that could have been granted in
19 this action, release from custody. She cannot therefore meet the burden of
20 establishing a continuing concrete injury that can be redressed by a favorable
21 decision from this Court;
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23 6. Accordingly, this Court lack jurisdiction to adjudicate the petition,
24 and dismissal is required.
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CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this habeas petition be dismissed as moot.

Respectfully Submitted,

//s// Mario Portugal
Mario G. Portugal
Attorney for Petitioner N.A.

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